

1 ABBEY, WEITZENBERG, WARREN & EMERY, P.C.  
2 RICHARD W. ABBEY, ESQ. (SBN: 053039)  
3 RACHEL K. STEVENSON, ESQ. (SBN: 172525)  
4 100 Stony Point Road, Ste. 200  
5 Post Office Box 1566  
6 Santa Rosa, California 95402-1566  
7 Telephone No.: (707) 542-5050  
8 Facsimile No.: (707) 542-2589  
9 rstevenson@abbeylaw.com

10 Attorneys for Creditor/Moving Party  
11 Sterling Savings Bank, Successor In Interest By Merger To Sonoma National Bank

12 UNITED STATES BANKRUPTCY COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 In Re:

16 TV-32 DIGITAL VENTURES, INC., a  
17 California corporation,

18 Debtor.

Case No. 09-58098 ASW 11  
Chapter 11  
R.S. No. RKS/002

**Date: March 28, 2011**

**Time: 2:15 p.m.**

**Location: 280 S. 1<sup>st</sup> Street, San Jose, CA**

**Courtroom: 3020, 3<sup>rd</sup> Floor**

**Hon. Arthur S. Weissbrodt**

19 **SUPPLEMENTAL DECLARATION OF RACHEL K. STEVENSON IN SUPPORT OF**  
20 **STERLING SAVINGS BANK'S MOTION FOR RELIEF FROM AUTOMATIC STAY**

21 I, RACHEL K. STEVENSON, declare as follows:

22 1. I am an attorney at law, licensed to practice before this Court and am associated with  
23 the law firm of Abbey, Weitzenberg, Warren & Emery, attorneys of record for Sterling Savings  
24 Bank. I have personal knowledge of the facts set forth herein and, if called upon as a witness, could  
25 and would competently testify thereto.

26 2. By Order of this Court entered October 8, 2010, the Debtor herein was required to  
27 make adequate protection payments to Sterling in the amount of \$11,500 per month, payable on the  
28 first of each month, and no later than the sixteenth of each month.

3. As of March 17, 2011, Sterling had not received the payment due for March, 2011.

4. On March 17, 2011, I sent the Debtor, its counsel and all junior creditors notice of  
the Debtor's default in accordance with the terms of this Court's October 8, 2011 Order. A true and

1 correct copy of said notice is attached hereto as Exhibit "A" and incorporated herein by this  
2 reference as though fully set forth.

3 5. As of the filing of this Declaration, Sterling has not received the required adequate  
4 protection payment from the Debtor.

5 6. The final day for submission of payment in accordance with the aforementioned  
6 Notice is March 27, 2011, which falls on a Sunday. Therefore, if payment is not received by  
7 Monday, March 28, 2011, Sterling is entitled to relief from stay without further notice or hearing.

8 I declare, under penalty of perjury under the laws of the State of California and the United  
9 States of America that the foregoing is true and correct.

10 Executed this 25<sup>th</sup> day of March, 2011, at Santa Rosa, California.

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12 /s/ Rachel K. Stevenson  
13 RACHEL K. STEVENSON  
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## EXHIBIT "A"

**NOTICE OF DELINQUENCY AND RIGHT TO CURE**

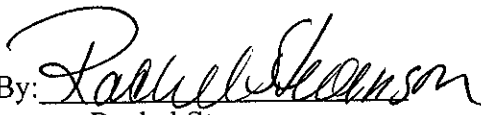
**TO: TV-32 DIGITAL VENTURES, INC.**  
**FROM: STERLING SAVINGS BANK**  
**DATE: MARCH 17, 2011**  
**RE: DELINQUENT ADEQUATE PROTECTION PAYMENT**

PURSUANT TO ORDER OF THE BANKRUPTCY COURT ENTERED OCTOBER 8, 2010, A COPY OF WHICH IS ATTACHED HERETO, YOUR MONTHLY PAYMENT OF \$11,500 WAS DUE AND PAYABLE ON MARCH 16, 2011. THAT PAYMENT WAS NOT RECEIVED BY MARCH 17, 2011.

YOU HAVE TEN (10) DAYS FROM THE DATE OF THIS NOTICE TO MAKE THE PAYMENT OF \$11,500, PAYABLE TO STERLING SAVINGS BANK. PAYMENT IS TO BE DELIVERED TO:

STERLING SAVINGS BANK  
SPECIAL ASSETS DEPARTMENT  
P.O. BOX 6089  
SANTA ROSA, CA 95403

ABBHEY, WEITZENBERG,  
WARREN & EMERY

By:   
Rachel Stevenson



1 ABBEY, WEITZENBERG, WARREN & EMERY, P.C.

RICHARD W. ABBEY, ESQ. (SBN: 053039)

2 RACHEL K. STEVENSON, ESQ. (SBN: 172525) **NOT ORDERED.**

100 Stony Point Road, Ste. 200

3 Post Office Box 1566

Santa Rosa, California 95402-1566

4 Telephone No.: (707) 542-5050

Facsimile No.: (707) 542-2589

5 rstevenson@abbeylaw.com

**Signed October 08, 2010**

*Arthur S. Weissbrodt*

**Arthur S. Weissbrodt  
U.S. Bankruptcy Judge**

6 Attorneys for Creditor/Moving Party

Sterling Savings Bank, Successor in Interest by Merger to Sonoma National Bank

8 UNITED STATES BANKRUPTCY COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 In Re:

12 TV-32 DIGITAL VENTURES, INC., a  
California corporation,

13 Debtor.

Case No. 09-58098 ASW 11

Chapter 11

R.S. No. RKS/001

**Date: September 23, 2010**

**Time: 10:15 a.m.**

**Location: 280 S. 1<sup>st</sup> Street, San Jose, CA**

**Courtroom: 3020, 3<sup>rd</sup> Floor**

**The Hon. Arthur S. Weissbrodt**

16 **ORDER ON STERLING SAVINGS BANK'S MOTION FOR RELIEF FROM  
17 AUTOMATIC STAY**

18 Upon the Motion for Relief from Automatic Stay filed by Sterling Savings Bank, successor  
19 in interest by merger to Sonoma National Bank, the matter having come on regularly for hearing  
20 before the undersigned United States Bankruptcy Judge on September 23, 2010, the appearances  
21 having been duly noted on the record, arguments in support of and in opposition to the motion  
22 having been considered, and good cause appearing therefor,

23 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, with the exception of  
24 granting Sterling Savings Bank relief from stay with respect to the commercial real property located  
25 at **1010 Corporation Way, Palo Alto, California** (the "Property") for the limited purpose of re-  
26 publishing a Notice of Trustee's Sale of the Property in accordance with California Civil Code §  
27 2924g(c)(1), the Debtor's objection to relief from stay, as to the Property is sustained. The  
28 automatic stay shall remain in place provided that:

1. Sterling's counsel receives from the Debtor, no later than the close of business on

1 the 16<sup>th</sup> day of each month, commencing with the payment due on October 1, 2010, monthly  
2 payments in the sum of Eleven Thousand Five Hundred Dollars (\$11,500.00). Said payments are  
3 due on the 1<sup>st</sup> of each month and shall be **received** by Sterling's counsel no later than the 16<sup>th</sup> of  
4 each month, commencing with the payment due on October 1, 2010, and continuing thereafter until  
5 further order of this Court. Should the Debtor default in timely making any such payments, or if a  
6 payment is determined to be non-negotiable, Sterling may give the Debtor, and any junior lien  
7 holders of record on the Property, written notice of the amount of the delinquency and of the right  
8 to cure same within ten (10) days. If the default is not thereafter cured within the 10 days, Sterling  
9 shall be entitled to submit evidence of the delinquency notice and a declaration stating that the  
10 Debtor has failed to cure the delinquency. Upon the submission of these documents, Sterling will be  
11 entitled to relief from stay without further notice or hearing.

12 Sterling's acceptance of any and all payments made pursuant to this order is without  
13 prejudice to its current position in the pending foreclosure under its deed of trust secured by the  
14 Property.

15 2. The Debtor remains current on the payment of real property taxes going forward by  
16 depositing each month, into the Debtor's counsel's trust account, the equivalent of the monthly  
17 installment necessary to remain current on all such real property taxes, and Sterling's counsel  
18 receives from the Debtor's counsel, on or before the close of business on the 16<sup>th</sup> of each month,  
19 commencing with the installment payment due for November, 2010, written confirmation that the  
20 Debtor has made such deposits. Should the Debtor default in timely making any such payments,  
21 Sterling may give the Debtor, and any junior lien holders of record on the Property, written notice  
22 of the amount of the delinquency and of the right to cure same within ten (10) days. If the default  
23 is not thereafter cured within the 10 days, Sterling shall be entitled to submit evidence of the  
24 delinquency notice and a declaration stating that the Debtor has failed to cure the delinquency.

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1 Upon the submission of these documents, Sterling will be entitled to relief from stay without  
2 further notice or hearing.

3  
4 *Approved as to form:*

5 *PINNACLE LAW GROUP, LLP*

6 *By: /s/ Matthew J. Shier*  
7 *Matthew J. Shier,*  
8 *Attorneys for Debtor*

9 \*\*END OF ORDER\*\*  
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1 **PROOF OF SERVICE**

2 I am a citizen of the United States and employed in the County of Sonoma, California. I am  
3 over the age of eighteen years and not a party to the within entitled cause; my business address is  
4 100 Stony Point Road, Suite 200, Santa Rosa, California 95401.

5 On October 7, 2010, I served the following document(s):

6 **1. ORDER ON STERLING SAVINGS BANK'S MOTION FOR RELIEF FROM  
7 AUTOMATIC STAY**

8 on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope  
9 with postage thereon fully prepaid in the United States mail at Santa Rosa, California, addressed as  
10 follows:

11 **SEE ATTACHED SERVICE LIST**

12 I declare under penalty of perjury under the laws of the State of California that the foregoing  
13 is true and correct, and that this declaration was executed on October 7, 2010, at Santa Rosa, CA.

14 /s/ Julie Heydel  
15 Julie Heydel  
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Case Name: *In re: TV-32 Digital Ventures, Inc.*  
Case No.: 09-58098

**COURT SERVICE LIST**

TV-32 Digital Ventures, Inc.  
1010 Corporation Way  
Palo Alto, CA 94303-4304

Debtor

Matthew J. Shier  
Pinnacle Law Group  
425 California Street, #1800  
San Francisco, CA 94104

Attorney for Debtor

Booker T. Wade  
1010 Corporation Way  
Palo Alto, CA 94303-4304

Responsible Individual

Office of the U.S. Trustee/SJ  
U.S. Federal Building  
280 S. 1<sup>st</sup> Street, #268  
San Jose, CA 95113-3004

U.S. Trustee

Arlene Stevens  
P.O. Box 51310  
Palo Alto, CA 94303

Creditor

Brian Healy, Esq.  
Tierney, Watson & Healy  
595 Market St., Ste. 2360  
San Francisco, CA 94105

Attorney for Capital Access Group  
(Agent for the SBA)

### **PROOF OF SERVICE**

I am a citizen of the United States and employed in the County of Sonoma, California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 100 Stony Point Road, Suite 200, Santa Rosa, California 95401.

On the date listed below, I served the following document(s):

#### **NOTICE OF DELINQUENCY AND RIGHT TO CURE**

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

TV-32 Digital Ventures, Inc.  
1010 Corporation Way  
Palo Alto, CA 94303-4304

✓ **(BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED)** I placed each such sealed envelope, with postage fully prepaid for first-class mail, for collection and mailing at Santa Rosa, California, following ordinary business practices. I am readily familiar with the practice of the law office of Abbey, Weitzenberg, Warren & Emery for processing of mail, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for processing.

Matthew J. Shier  
Pinnacle Law Group  
425 California Street, #1800  
San Francisco, CA 94104  
(Attorney for the Debtor)

Booker T. Wade  
1010 Corporation Way  
Palo Alto, CA 94303-4304  
(Responsible Individual)

Edwin Joe  
Special Assistant U.S. Attorney  
455 Market Street, Ste. 600  
San Francisco, CA 94105-2420  
(Attorney for the SBA)

✓ **(BY REGULAR MAIL)** I placed each such sealed envelope, with postage fully prepaid for first-class mail, for collection and mailing at Santa Rosa, California, following ordinary business practices. I am readily familiar with the practice of the law office of Abbey, Weitzenberg, Warren & Emery for processing of mail, said practice being that in

the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for processing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 17, 2011, at Santa Rosa, CA.



JULIE HEYDEL

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On the date listed below, I served the following document(s):

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Santa Rosa, California, addressed as follows:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 25, 2011, at Santa Rosa, CA.

/s/ Julie Heydel  
Julie Heydel

**SERVICE LIST**  
**TV-32 DIGITAL VENTURES, INC.**  
**CASE NO. 09-058098**

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TV-32 Digital Ventures, Inc. 1010 Corporation Way Palo Alto, CA 94303-4304	Debtor
Booker T. Wade 1010 Corporation Way Palo Alto, CA 94303-4304	Responsible Individual
Matthew J. Shier Pinnacle Law Group 425 California Street, #1800 San Francisco, CA 94104	Debtor's Attorney
Office of the U.S. Trustee/SJ U.S. Federal Building 280 S. 1 <sup>st</sup> Street, #268 San Jose, CA 95113-3004	U.S. Trustee
Edwin Joe, Esq. Special Assistant U.S. Attorney United States Attorney's Office 455 Market Street, Ste. 600 San Francisco, CA 94105	Attorney for U.S. Small Business Association
Arlene Stevens P.O. Box 51310 Palo Alto, CA 94303	Creditor
CB Richard Ellis Brokerage Services Attn: Gregory S. DeLong Two Palo Alto Square, Ste. 100 3000 El Camino Real Palo Alto, CA 94306	Creditor
Fidelity National Title Co., Trustee TS No. 09-00354-4C Attn: Tamala Dailey 135 Main St., Ste. 1900 San Francisco, CA 94105	Creditor
Internal Revenue Service P.O. Box 21126 Philadelphia, PA 19114	Creditor
Security Signal Devices, Inc. 1740 N. Lemon St. Anaheim, CA 92801-1007	Creditor

1	Small Business Administration	Creditor
2	c/o Capital Access Group	
3	150 California Street, Ste. 250	
4	San Francisco, CA 94111	
5	City of Palo Alto	Creditor
6	Utilities Dept.	
7	250 Hamilton Ave.	
8	Palo Alto, CA 94301	
9	Peninsula Air Conditioning Company	Creditor
10	1690 Tacoma Way	
11	Redwood City, CA 94063	
12	Employment Development Department	Creditor
13	Bankruptcy Unit - MIC 92E	
14	P.O. Box 826880	
15	Sacramento, CA 94280-0001	
16	Franchise Tax Board	Creditor
17	Bankruptcy Section MS A340	
18	P.O. Box 2952	
19	Sacramento, CA 95812-2952	
20	Franchise Tax Board	Creditor
21	Special Procedures	
22	P.O. Box 2952	
23	Sacramento, CA 95812-2952	
24	Santa Clara County	
25	Tax Collector's Office	Creditor
26	70 West Hedding Street	
27	East Wing, 6 <sup>th</sup> Floor	
28	San Jose, CA 95110	